

IC 4-13.6-6

Chapter 6. Bid Opening and Award of Contracts

IC 4-13.6-6-1

Sealed bids; opening procedure; time to submit bids

Sec. 1. (a) All bids shall be sealed in an envelope when submitted to the division.

(b) The division shall open bids in public and read them aloud at the time and place designated in the instructions. Contractors and all other members of the public are entitled to attend bid openings. Before contractors and other members of the public are permitted to inspect and copy bids, the division shall copy the bids as required by IC 4-13.6-5-9.

(c) The division may not require any contractor to submit its bid at any time earlier than the time specified in the instructions for opening of bids.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-6-2

Award of contracts

Sec. 2. Except as provided in rules adopted under section 2.5 of this chapter, the division shall award a contract to the lowest responsible and responsive contractor.

As added by P.L.24-1985, SEC.7. Amended by P.L.5-1993, SEC.11; P.L.35-1995, SEC.2.

IC 4-13.6-6-2.5

Preference rules

Sec. 2.5. (a) As used in this section, "out-of-state business" refers to a business that is not an Indiana business.

(b) The department may adopt rules under IC 4-22-2 to give a preference to an Indiana business that submits a bid under this article if all of the following apply:

- (1) An out-of-state business submits a bid.
- (2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

(c) Rules adopted under subsection (b) must establish criteria for determining the following:

- (1) Whether a bidder qualifies as an Indiana business under the rules.
- (2) When another state's preference is unfavorable to Indiana businesses.
- (3) The method by which the preference for Indiana businesses is to be computed.

(d) Rules adopted under subsection (b) may not give a preference to an Indiana business that is more favorable to the Indiana business than the other state's preference is to the other state's businesses.

As added by P.L.35-1995, SEC.3.

IC 4-13.6-6-3**Rejection of all bids**

Sec. 3. The division may, in the reasonable exercise of discretion, reject all bids submitted.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-6-4**Notice to proceed; extensions of time; notice of withdrawal of bid and rejection of contract**

Sec. 4. (a) Within sixty (60) days from the date on which bids are opened, the division shall award a contract and shall provide the successful contractor with written notice to proceed.

(b) If the division fails to award and execute a contract and to issue notice to proceed within sixty (60) days that bids for the contract are opened, the successful contractor may grant one (1) or more extensions of time to the division to award a contract, to execute the contract, and to give notice to proceed. The date that an extension of time granted under this subsection expires must be a date upon which the division and the successful contractor agree.

(c) After the sixty (60) day period set by subsection (a) and all extension periods set under subsection (b) have expired, a successful contractor may elect to withdraw its bid and reject the contract only by delivering a written notice to the division that grants the division at least fifteen (15) additional days to award a contract to the successful contractor.

As added by P.L.24-1985, SEC.7.